IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID LYNN PECHE,)
Plaintiff,)
v.)) 1:11cv362
ALVIN W. KELLER, JR., and)
TODD W. PINION,) O-R-D-E-R
Defendants.	,)

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on February 2, 2012, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The Court hereby adopts the Magistrate Judge's Recommendation. (Docket 33).

IT IS THEREFORE ORDERED that Defendants' motion to dismiss (Docket No. 24) and Plaintiff's motion not to dismiss (Docket No. 28) are **GRANTED IN PART AND**DENIED IN PART to the extent that all claims are dismissed except those against

Defendant Pinion for the alleged deprivation of Plaintiff's pain medication and for allegedly allowing assaults upon Plaintiff by other inmates in the chronic medical unit.

This the 12th day of March, 2012.

UNITED STATES DISTRICT JUDGE